Talking Points

Government Inquiry into the Appointment Process for a Deputy Commissioner of Police: extension of time

Previous Cabinet Decisions

1. On 9 July 2018, Cabinet established the Government Inquiry into the Appointment Process for a Deputy Commissioner of Police, and approved its Terms of Reference. Cabinet also agreed that the Inquiry would run for a maximum of six weeks, with a budget of no more than $0.150 million.

2. Cabinet also noted that should additional expenditure be required during the Inquiry, the Minister of Internal Affairs, in consultation with the Minister of State Services, will report back to Cabinet to seek agreement to additional funding.

Bullying allegations and impact on the Inquiry

3. Since the commencement of the Inquiry, allegations of bullying have been raised against the Deputy Commissioner of Police and made public. As a result an IPCA inquiry is now underway.

4. On 9 August during parliamentary question time the Hon Grant Robertson on behalf of the Prime Minister and the Hon Chris Hipkins on behalf of the Minister of Internal Affairs both indicated that the bullying allegations fall within the scope of the Inquiry’s Terms of Reference.

5. On 27 August the Inquiry published a minute confirming the allegations will be considered in the course of the Inquiry and reported on in accordance with the Terms of Reference.

6. Within the scope of the Terms of Reference the Inquiry’s role is to answer whether all relevant information was properly provided to, or gathered by, the State Services Commission during the appointment process (and if not, why not). If an applicant for Deputy Commissioner of police has been subject to allegations of bullying, there might be information in that category, depending on the particular facts.

7. The Inquiry’s findings and recommendations will depend on the facts it determines in relation to the alleged bullying, how it was dealt with (if it was), who had relevant information, and who ought to have had and passed on that information.

Extension of time sought

8. The Inquiry is due to present its final report on 28 September 2018. The Inquiry now requests a five week extension in order to properly consider the bullying allegations as part of its investigation.

9. This equates to a total extension of 25 working days and a report-back date of 2 November 2018.

10. The Department has consulted with the Inquiry to understand the extension request and assesses the request as reasonable.
11. While the Inquiry may be able to deliver within the original timeframe, the Department considers that this would create a significant risk for the quality of the final report and recommendations. It would also run the risk of undermining public confidence in the Inquiry’s report and recommendations.

12. The Inquiry considers that adhering to the original timeframe and reporting by the 28 September would result in a failure to fulfil the obligations on an Inquiry under the Act to follow a fair procedure in the time remaining (2 weeks).

13. The option of only a two week extension was considered with the Inquiry. This would result in disregarding the bullying allegations as relevant to the appointment process. Such an approach is considered likely to be unsatisfactory for everyone, especially the people who have come forward to the Inquiry, and public confidence in the Inquiry.

Increased funding sought

14. Cabinet previously approved the Inquiry’s budget of $150,000 in July 2018 [Cab-18-MIN-0334 refers]. Additional funding of $113,815 is now also sought.

15. This comprises:

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<thead>
<tr>
<th>Item</th>
<th>Cost</th>
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<tbody>
<tr>
<td>Inquiry member fees</td>
<td>$35,000</td>
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<tr>
<td>Legal fees</td>
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<td>Personnel costs</td>
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<tr>
<td>Other costs</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$113,815</strong></td>
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Funding options

17. The Department of Internal Affairs has no standing baseline funding to support government inquiries, and in the absence of new funding, the Department would face fiscal pressures and risks to the delivery of services.

18. I am seeking approval for a $0.114 million increase to Vote Internal Affairs appropriations for 2018/19 to cover the cost for the extension of the Inquiry, which consists of:
   - $0.035 million in fees for the Inquiry member; and
   - $0.079 million for the Inquiry personnel, Counsel assisting, and other operating costs.

19. The options available to fund the Inquiry’s extension are either from Vote State Services, or from Vote Police, or alternatively, new funding from between-Budget contingency, established as part of Budget 2018.

20. I have consulted with the Minister of State Services the State Services Commission is unable to identify funding within its existing appropriations to fund the Inquiry’s extension.

21. I consider that Vote Police is an alternative funding source as the rationale for the Inquiry’s extension relates to the consideration of the bullying allegations, which fall within Police’s remit.
22. If seeking Cabinet’s agreement that the Minister of Finance, myself, as the Appointing Minister, and the Minister of Police, have the Power to Act to finalise the transfer of funding from Vote Police to Vote Internal Affairs. The Power to Act is necessary as the Police will not yet have had the opportunity to determine the specific appropriation from which to fund the Inquiry.

23. If the Inquiry’s extension is not funded from Vote Police, I propose that the funding be charged against the between-Budget Contingency, established as part of Budget 2018.

24. Approval of funding cannot be deferred to Budget 2019 because funding is required immediately to ensure that the Inquiry can continue its work and complete its report-back.

25. If the Inquiry’s expenditure is lower than budgeted at the end of the Inquiry, any unspent funding associated with the Inquiry will be returned to the source of funding.